

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

UNITED STATES OF AMERICA,
Plaintiff,

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v.

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5 JENKINS ROAD,
CHESAPEAKE CITY, MD,
Defendant

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CIVIL NO. L-02-3697

*

And

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WAYNE M. BYERLY,
Claimant

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And

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GMAC MORTGAGE CORPORATION,
Claimant.

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**MOTION FOR RECONSIDERATION OF ORDER CONDEMNING AND
FORFEITING PROPERTY TO THE UNITED STATES OF AMERICA**

Wayne M. Byerly, Claimant, by undersigned counsel, moves for reconsideration of the Order Condemning and Forfeiting Property to the United States of America and to vacate said order and to reset this matter for a hearing and represents:

1. That on November 13, 2002, the government filed a Complaint for Forfeiture of the real property and improvements thereon located on 5 Jenkins Road, Chesapeake City, Cecil County, Maryland.

2. That on or about December 26, 2002, Wayne M. Byerly filed a Claim for the property as well as Supplemental Claim for 5 Jenkins Road, Chesapeake City, Maryland, and also filed a Motion to Stay Civil Forfeiture Proceedings Pending Outcome of Criminal Proceedings.

3. That on April 9, 2003, this Court entered an Order granting the above referenced Motion to Stay Civil Forfeiture Proceedings Pending Outcome of Criminal Proceedings.

4. That that Stay was never lifted by the Court.

5. That on or about November 21, 2003, Government's Motion for Summary Judgment with exhibits was filed.

6. That on or about July 21, 2004, an Order Condemning and Forfeiting the Subject Property to the United States of America was entered.

7. For the reasons set forth in the attached Memorandum in Support of Motion for Reconsideration, the Order should be vacated and this matter should be set for a hearing.

/s/ C. Thomas Brown

C. Thomas Brown

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